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F.#2014R00501

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

ORDER OF FORFEITURE

- against -

15 CR 637 (S-1) (KAM)

EVAN GREEBEL,

Defendant.

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WHEREAS, on or about June 3, 2016, defendant EVAN GREEBEL (the “defendant”) was charged in the above-captioned Superseding Indictment (the “Indictment”) with conspiracy to commit wire fraud and conspiracy to commit securities fraud (Counts Seven and Eight);

WHEREAS, the Indictment included a forfeiture allegation seeking, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and 21 U.S.C. § 853(p), the forfeiture of any and all property constituting or derived from proceeds obtained directly or indirectly as a result of the commission of any of the charged offenses;

WHEREAS, on or about October 16, 2017, the defendant, by and through counsel, agreed to waive any right to have a jury determine the forfeiture, and to have such determination made by the district court;

WHEREAS, on or about December 27, 2017, a jury found the defendant guilty of Count Seven (Conspiracy to Commit Wire Fraud) and Count Eight (Conspiracy to Commit Securities Fraud) (hereinafter, the “Offenses of Conviction”); and

WHEREAS, based on the submissions of the parties and all proceedings had

herein, the Court finds that, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p), the defendant must forfeit to the United States the amount of four hundred seventy-six thousand two hundred forty-nine dollars and zero cents (\$476,249.00) (the “Forfeiture Money Judgment”), which amount represents the total amount of proceeds obtained by the defendant as a result of the Offenses of Conviction.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The defendant shall forfeit to the United States the full amount of the Forfeiture Money Judgment, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p).
2. All payments towards the Forfeiture Money Judgment shall be made by money order, certified or official bank check, payable to “United States Marshals Service, EDNY” with the criminal docket number noted on the face of the check. The defendant shall cause said checks to be sent by overnight mail to the United States Attorney’s Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201, Attention: Asset Forfeiture Unit. The Forfeiture Money Judgment shall be paid in full within forty-five (45) days of the defendant’s sentencing.
3. Upon entry of this Order of Forfeiture (“Order”), the United States Attorney General or his designee is authorized to conduct any proper discovery in accordance with Fed. R. Crim. P. 32.2(b)(3) and (e). The United States alone shall hold title to the monies paid by the defendant to satisfy the Forfeiture Money Judgment following the Court’s entry of the judgment of conviction.

4. The entry and payment of the Forfeiture Money Judgment is not to be considered a payment of a fine, penalty, restitution loss amount, or income taxes that may be due.

5. In accordance with Fed. R. Crim. P. 32.2(e) and 21 U.S.C. § 853(p), the government may seek to amend this Order at any time to forfeit substitute assets to satisfy the Forfeiture Money Judgment.

6. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Order shall become final as to the defendant at the time of sentencing, and shall be made part of the defendant's sentence and included in the judgment of conviction. This Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

7. This Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant and shall survive the bankruptcy of any of them.

8. This Order shall be final and binding upon being "so-ordered" by the Court.

9. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

10. The Clerk of the Court is directed to send, by inter-office mail, three (3) certified copies of this executed Order to Assistant United States Attorneys Laura D. Mantell and

Claire S. Kedeshian, United States Attorney's Office, Eastern District of New York, 271-A

Cadman Plaza East, 7th Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York

_____, 2018

SO ORDERED:

HONORABLE KIYO A. MATSUMOTO
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK